



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:
5720
ARSF-F1
July 12, 2012

MUCKROCK NEWS
ATTN MR JASON SMATHERS
DEPT MR 788
PO BOX 55819
BOSTON MA 02205-5819

Dear Mr. Smathers:

SUBJECT: FILE NUMBER HQMC-201100343

This refers to your April 7, 2011, Freedom of Information Act (FOIA) request by which you seek to obtain copies of the CMC Monthly report for March 2011.

As a result of a records search at this Headquarters, the Office of the Director, Marine Corps Staff (DMCS) personnel and all HQMC Department/Divisions for their input documents, the CMC monthly report for March 23, 2011 was identified and provided to this office.

Review of the March 23, 2011, CMC monthly report revealed that it identifies intelligence sources and methods of the U.S. Marine Corps that are precluded from public release by 50 U.S.C.A. § 403.1(i) and 5 U.S.C. § 421. Accordingly, since this type of information is exempt from FOIA disclosure [5 U.S.C. § 552(b)(3), as amended], the applicable intelligence sources and methods have been redacted and are denied.

Further, the March 23, 2011, CMC monthly report contains executive privilege, interagency, pre-decisional, subjective opinion and recommendation that if disclosed would chill the free and candid exchange of advice and recommendations during the Agency's decision making process. Accordingly, since this type of information is exempt from FOIA disclosure [5 U.S.C. § 552(b)(5), as amended], the applicable pre-decisional subjective opinion and/or recommendations have been redacted and are denied.

Finally, the March 23, 2011, CMC monthly report contains third-party personal information which, if disclosed, would constitute a clearly unwarranted of the personal privacy of those individuals. Accordingly, since this type of information is exempt from FOIA disclosures [5 U.S.C. § 552(b)(6), as amended], the applicable third-party personal information is redacted and denied.

Attached at the enclosure is a FOIA releasable copy of the March 23, 2011, CMC Monthly Report. I have categorized you as an "Other" requester for the purpose of assessing FOIA processing fees. As such, you are entitled to two hours of search and 100 pages of duplication at no cost to you. However, because "Other" requesters are responsible for the payment of any search and/or duplication fees that exceed their free entitlement. In this instance, however, since processing costs do not exceed your free entitlement, there are no billed fees for the processing of this request.

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In view of the above, you may consider this an adverse determination that may be appealed to the Judge Advocate General of the Navy, Judge Advocate General (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Your appeal, if any, must be postmarked within 60 calendar days from the date of this letter to be considered and should include a copy of your initial request, a copy of this correspondence, and a written statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope both bear the notation "Freedom of Information Act Appeal."

Questions concerning this action may be directed to Ms. Mary Malone of my staff at (571)256-8633. Please refer to the subject line file number whenever corresponding on this matter. I am the official responsible for this determination.

Sincerely,

A handwritten signature in black ink, appearing to read "Ladonne L. White", with a long horizontal flourish extending to the right.

LADONNE L. WHITE
Head, FOIA/PA Section (ARSF) Acting
Security Programs and Information Mgmt Branch
Administration and Resource Mgmt Division

Enclosure